

Statement of
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Committee on Government Reform
Subcommittees on
National Security, Emerging Threats, and International Relations,
and
Criminal Justice, Drug Policy, and Human Resources

On
International Maritime Security

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Introduction

Mr. Chairman Shays, Mr. Chairman Souder, and members of the committee, on behalf of Carnival Corporation, I wish to thank you for inviting me to testify before you today regarding issues related to international maritime security. I am the Director of Fleet Security for Holland America Line Inc. a Carnival company, a position I have held for over two years. Immediately prior to joining Holland America, I served with the Federal Bureau of Investigation for twenty-seven years, working out of offices in New York, Chicago, Washington, D.C., and Seattle. In my final assignment, I served as Special Agent in Charge of the Seattle office, where I was responsible for all FBI matters in the State of Washington.

Background

Carnival Corporation & plc operates a fleet of seventy-nine modern passenger vessels, making it the largest cruise company in the world. The parent corporation's 12 widely recognized cruise brands serve markets in North and South America, the United Kingdom, and mainland Europe, providing cruises to vacation destinations worldwide.

Because of its significant worldwide presence and the necessity of ensuring the security of its passengers, Carnival is attuned to the importance of international maritime security and strives to provide a safe and secure cruise experience for its passengers. Carnival therefore works closely with our flag States, *i.e.* the countries in which our vessels are registered, and port States *i.e.* the countries in which our vessels make port calls, to ensure that we are compliant with applicable State laws governing the security of our vessels. Moreover, Carnival takes operational security aboard its vessels seriously and cooperates closely with its flag and port States to report and investigate security incidents as appropriate. To do otherwise would not only jeopardize the security of our passengers and crew, but also increase the costs of, or prohibit

altogether, Carnival's business in those States. In short, the safety of Carnival's crews and passengers is our highest priority.

Response to Subcommittee Questions

Against this background, I now wish to specifically address each of the six issues presented in the letter invitation from these subcommittees.

- *What international and national laws pertain to security of Americans on board ships traveling outside U.S. territorial waters?*

We agree with the statement of the International Council of Cruise Lines provided for this hearing in response to this question and therefore merely wish to reiterate what we believe are the key elements of the international and domestic security regime applicable to cruise vessels operating worldwide with U.S. citizens.

The cruise industry had security plans and procedures in place years before September 11, 2001. Congress enacted Title XI of the Omnibus Diplomatic Security and Antiterrorism Act in 1986 (constituting the International Maritime and Port Security Act) which amended the Ports and Waterways Safety Act and provided the Coast Guard with the authority to prevent and respond to acts of terrorism in waters subject to U.S. jurisdiction out to 200 nautical miles from the coastline. In the same year, the International Maritime Organization ("IMO") published Circular 443 "Measures to Prevent Unlawful Acts Against Passengers and Crews on Board Ships" to provide States with guidance for reviewing and strengthening port and onboard security.

In implementing Circular 443 domestically, the Coast Guard promulgated "Security of Passenger Vessels" regulations (33 C.F.R. § 120) in 1996. Pursuant to these regulations, the cruise industry, including Carnival, developed a security program, designated security officers,

submitted security plans to the Coast Guard for examination, and developed a program to report certain security incidents occurring aboard ship to federal law enforcement authorities.

Following September 11, 2001, new regulations to enhance maritime security were adopted by IMO in December 2002 through amendments to the Safety of Life at Sea (“SOLAS”) Convention. Specifically, a new SOLAS Chapter XI-2, entitled Special Measures to Enhance Maritime Security, was adopted. The new chapter includes a requirement for ships and companies to comply with the International Ship & Port Facility Security Code (“ISPS Code”). The ISPS Code took effect on July 1, 2004. The ISPS Code is divided into two parts: Part A contains mandatory requirements, and Part B contains “guidance” regarding the implementation of Part A. These requirements apply to all vessels subject to SOLAS. All 135 States that are parties to SOLAS have a legal obligation to comply with the requirements of the ISPS Code. The flag State of a foreign-flag cruise vessel will issue an International Ship Security Certificate (“ISSC”) certifying that the ship meets security system, security equipment, and vessel security plan requirements under SOLAS Chapter XI-2 and the ISPS Code.

Foreign-flag cruise ships calling at U.S. ports are deemed in compliance with most of the vessel maritime security regulations (33 C.F.R. Part 104) implemented pursuant to the Maritime Security Transportation Act of 2002 if they hold a valid ISSC issued by their flag State. In addition, foreign-flag vessels comply with security related information requirements contained in vessel Notice of Arrival requirements, and security measures implemented pursuant to area maritime security regulations (33 C.F.R. Part 103).

- *What types of statistics are kept concerning security incidents on board ships, and how is this data made available to the public?*

Each of Carnival's vessels maintains ship security reports. These reports contain information regarding reported security incidents that occurred during a voyage that resulted in some action by shipboard security personnel. For example, if an unauthorized individual embarked on the vessel, this event would be reported. Another example would be if a weapon was detected on a passenger while being screened, this event would also be reported. While Carnival reviews these reports as part of its ongoing efforts to assess and improve upon the effectiveness of vessel security, such sensitive information is not made available to the public in order to protect Carnival's internal security procedures.

- *How is the public informed about the risks from terrorist or piracy attacks and criminal activity during a voyage?*

The primary source of information regarding the risks from terrorist or piracy attacks and criminal activity is from State governments. Under the ISPS Code, States have the responsibility for setting the security levels at which vessels operate and providing guidance for protection from security incidents. Higher security levels indicate a greater likelihood of occurrence of a security incident. Vessels, depending on the security level and guidance received from a State, then implement security procedures contained in the Ship Security Plan as necessary and appropriate to respond to the mandated security level and guidance.

As an example of how this international requirement is applied at the State level, in the United States, the Coast Guard uses Maritime Security ("MARSEC") Levels to advise the maritime community and the public of the level of risk to vessels, ports, and other "maritime elements." Should there be a change in the MARSEC Level, the Coast Guard will inform the public utilizing a variety of different means, including a local Broadcast Notice to Mariners, e-

mail, or posting to the Coast Guard's public website. Additionally, the MTSA (46 U.S.C. § 70108) requires the Coast Guard to not only assess the effectiveness of antiterrorism measures maintained at foreign ports but also to provide public notice to passengers if ineffective antiterrorism measures at a foreign port are found.

- *What procedures does your organization take in the event one of your ships is attacked by terrorists or pirates?*

As required by the ISPS Code, each of Carnival's vessels carries a ship security plan detailing procedures to be followed in the event of a security incident, such as an attack on the vessel. These plans have been submitted to and approved by the flag States where Carnival's vessels have been registered, and Carnival has, pursuant to the ISPS Code, implemented various mechanisms to implement the procedures contained in the ship security plan.

- *What procedures does your organization take after notification of a crime has been committed against an American on board one of your ships, or one of your member's ships, outside U.S. territorial waters?*

Generally, upon notification that a crime has occurred onboard the vessel, ship security personnel respond to the incident and conduct an investigation. If the investigation concludes that a serious crime has occurred or has been alleged, and it involved a U.S. citizen, then a report would be made to the Coast Guard, Federal Bureau of Investigation, or other federal, state or local agency, as appropriate. In many cases, depending on the circumstances, the crime scene will be sealed off in order to facilitate an investigation by appropriate governmental authorities.

- *What types of security standards has your organization established, and what types of security training does your organization offer to ship personnel carrying American passengers?*

All of Carnival's vessels adhere to the requirements contained in the ISPS code. Accordingly, all of Carnival's vessels operating out of a U.S. port, have developed and maintain

a ship security plan fully compliant with the ISPS Code and are subject to Coast Guard port state control inspections during any port call.

In order to carry out these ship security plans, crew personnel are trained in accordance with ISPS Code requirements and guidelines. Specifically, ship security officers receive training in, among other things, the layout of the ship, the ship security plan and related procedures (including response procedures), crowd management and control techniques, operations of security equipment and systems, and testing and maintenance of security equipment and procedures. Shipboard personnel with specific security duties and responsibilities for ship security receive training in, among other things, knowledge of current security threats and patterns, recognition and detection of weapons and dangerous devices, techniques to circumvent security measures, knowledge of emergency procedures and contingency plans, and operations of security equipment and systems. All other shipboard personnel receive security awareness training that includes, among other things, general knowledge of relevant portions of the ship security plan, knowledge of contingency plans, and the meaning and requirements of the different security levels.

Conclusion

As discussed in my testimony, Carnival has demonstrated a longstanding commitment to the importance of security aboard its vessels. We appreciate the opportunity to discuss these issues with you, and we offer our expertise, support, and willingness to continue to improve international maritime security and the protection of U.S. citizens aboard our ships.